

MEMO ENDORSED



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HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
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Marina Moraru
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February 9, 2023

VIA ECF

Hon. Andrew L. Carter, Jr.
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *N.H. et al. v. City of New York and New York City Dept. of Educ.* 22-cv-7434
(ALC)(OTW)

Dear Judge Carter:

I am a Special Assistant Corporation Counsel in the office of Corporation Counsel, Hon. Sylvia O. Hinds-Radix, attorney for Defendants in the above-referenced action, in which the only remaining claims at issue are attorneys' fees, costs and expenses for legal work on an administrative hearing under the Individuals with Disabilities Education Act, 20 U.S.C. §1400, *et seq.* ("IDEA"), as well as for this action.

Defendants respectfully submit this letter to request a 90-day stay of this action, including all settlement status letters (the first of which is due tomorrow, February 10), until May 9, 2023, with a status letter due by that date. Plaintiff does not consent to this request.

Defendants do not understand Plaintiff's failure to provide this basic Golden Rule courtesy of consenting to a reasonable extension of time to facilitate the resolution of fees actions through negotiated settlement. The undersigned explained to Plaintiff's counsel that these fees only cases take upwards of 90 days to resolve, typically. Despite Defendants' repeated requests for attorney billing records beginning on December 14, 2022, Plaintiff only provided the needed billing records today after Defendants requested consent for a 90-day stay of the case. And despite that two-month delay in providing billing records, Plaintiff would only consent to a 60 day extension for the Answer. The requested 90-stay will give Defendants' counsel time to complete the City's internal review process by reviewing the billing records together with the underlying administrative record, begin settlement negotiations and hopefully resolve this matter without the need for a conference or motion practice; and will avoid the likely need to burden the Court with yet another letter motion in this case. Defendants note that they fully resolve 95% of the IDEA fees claims without the need for any conferences or motions, and fully expect this case to take that same course.

Accordingly, Defendants respectfully request a 90-day stay of this action until May 9, 2023, with a status letter due by that same date either informing the Court that the case has fully resolved, or proposing a briefing schedule.

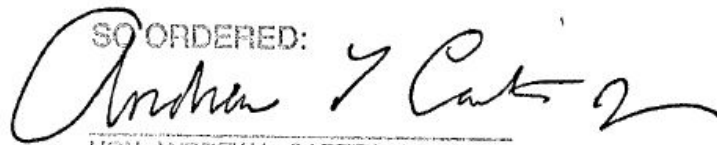
Thank you for considering this request.

Respectfully submitted,

/s/

Marina Moraru
Special Assistant Corporation Counsel

cc: Erika Hartley (via ECF)

SO ORDERED:


HON. ANDREW L. CARTER, JR.
UNITED STATES DISTRICT JUDGE

Feb. 10, 2023